

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION**

**CIVIL ACTION NO. 04-30177 -PBS**

**JOEL PENTLARGE,  
Plaintiff,**

**v.**

**ROBERT MURPHY, *et al.*,  
Defendants.**

**MOTION OF DEFENDANTS KATHLEEN DENNEHY, ROBERT  
MURPHY AND THE MASSACHUSETTS DEPARTMENT OF  
CORRECTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S  
MOTION TO CONSOLIDATE AND TO RESCHEDULE HEARING  
ON MOTION TO CONSOLIDATE**

The Massachusetts Department of Correction ("DOC), Kathleen Dennehy and Robert Murphy (collectively, the "DOC Defendants"), hereby request that the Court reschedule the hearing on the plaintiff's motion to consolidate until the last week in September, 2005, and extend the time for them to respond to the Plaintiff's Motion to Consolidate until five days before the new hearing date.

As grounds for this motion, the DOC Defendants state that the plaintiff has moved to consolidate this case with Healey v. Murphy, et al., U.S.D.C. No. 01-11099-NG. The Court has scheduled a hearing on the motion to consolidate for Wednesday, August 31, 2005. The defendants' opposition to the motion to consolidate is currently due to be filed by August 26, 2005. The undersigned counsel and Department of Correction officials are reviewing Mr. Healey's settlement proposal. The defendants in the Healey case have requested that the Court

reschedule the hearing date to permit them more time to complete the review of Mr. Healey's settlement proposal and respond to Mr. Healey's attorneys.<sup>1</sup>

WHEREFORE, the DOC Defendants respectfully that this Court grant this motion.

Certificate Pursuant to Local Rule 7.1

On August 24, 2005, the undersigned counsel discussed this matter with John Swomley, plaintiff's counsel. Mr. Swomley indicated that the plaintiff opposes this motion. Kevin Mulvey, counsel for defendants Pushkina and O'Donnell, indicated by voicemail that he assents to this motion.

Respectfully submitted,  
Massachusetts Department of Correction,  
Kathleen Dennehy and Robert Murphy,

By their attorneys,

NANCY ANKERS WHITE  
Special Assistant Attorney General

By: /s/ Mary P. Murray  
Mary P. Murray, Counsel (BBO # 555215)  
Department of Correction  
Massachusetts Treatment Center  
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Dated: August 24, 2005

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<sup>1</sup> The undersigned counsel had anticipated that the review of the Healey settlement proposal would be completed by mid-August. Due to the undersigned counsel's schedule, the schedule of Department officials and summer vacation schedules, the Healey defendants have not completed the process. Additional time is also needed due to the undersigned counsel's workload which has been increased due to the medical leave of one of the four attorneys based at the Treatment Center beginning on July 25, 2005, with a current earliest anticipated return to work on September 12, 2005. The undersigned counsel is scheduled to represent the Commonwealth in three upcoming G.L. c. 123A, § 9 petitions for discharge (August 29, 2005; September 12, 2005; and September 19, 2005 [second seat on this trial]).

Certificate of Service

I hereby certify that I caused a copy of the within document to be served by first class mail, postage pre-paid as follows:(1) John Swomley, Esquire, counsel for plaintiff Joel Pentlarge; and (2) Kevin Mulvey, Esquire, counsel for defendants Pushkina and O'Donnell, Mulvey & Sneider, LLP, 1622A Beacon Street, Brookline, MA 02446-2201.

/s/ Mary P. Murray

Mary P. Murray

Dated: August 24, 2005